

**BEST AVAILABLE COPY****REMARKS****I. Introduction**

Claims 1-17 and 25-33 had been previously withdrawn from consideration. Claims 18 and 43 have been amended. Claim 24 has been cancelled. No new matter has been added. Thus, claims 18-23 and 34-46 are pending in this application. In view of the following remarks, it is respectfully submitted that all of the above-identified claims are allowable.

**II. Claim Rejections - 35 U.S.C. 103**

Claims 18-23 and 34-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 2002/0038235-a1 to Musafia et al. ("Musafia") in view of U.S. Patent Application 2002/0077711 to Nixon et al. ("Nixon"). *12-12-05 Office Action*, pages 2-13.

Musafia teaches a productivity monitoring system. *Musafia*, Abstract. The system and method disclosed in Musafia collects data related to the productivity of the manufacturing process. Musafia describes a series of databases which may maintain collected or other data. *Musafia*, ¶¶ [0031] – [0050]. Musafia acquires various data regarding the system that it is monitoring and performs calculations regarding the costs and productivity of the system. Musafia goes on to perform various calculations of plant productivity and efficiency that incorporates such variables as wages, the number of jobs performed, the number of units produced over a given period of time, etc. *Musafia*, ¶¶ [0062]-[0083].

The Nixon publication discloses a process control system that collects and distributes data associated with assets of a plant. *Nixon*, Abstract. Nixon discloses a system that includes various devices to collect and provide data to a centralized collection and distribution system. *Nixon*, ¶¶[0050]-[0054]. Once the data is obtained, it is "stored in a database in some accessible manner." *Nixon*, ¶¶[0055]. The type of data collected by Nixon includes process

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function data, alarm data, and diagnostic data. *Nixon*, ¶[0059].

Applicant respectfully submits that neither the Musafia publication nor the Nixon publication discloses, either alone or in combination a method further comprising, "transmitting the equipment failure data to a maintenance post; determining a response time for maintenance personnel to respond to the equipment failure data as a function of the transmitted equipment failure data and a repair time entered by the maintenance personnel in response to the equipment failure data" as recited in independent claim 18.

As the Examiner pointed out, Musafia does not disclose the collection of real time equipment information (*12/12/05 Office Action*, page 7), but uses Nixon to cure this deficiency. However, neither Musafia nor Nixon disclose the above-recited limitation of equipment information of the present invention. The present invention allows the tracking of the time required for maintenance. *Specification*, ¶[0136]. One embodiment of performing this measurement is by swiping an employee card before and after a repair. *Id.* "[T]his data may be used to track the response time and the repair time for the maintenance department." *Id.* This allows the present invention not only to assess the performance of the maintenance department, it accounts for the downtime of the equipment automatically. This functionality is not disclosed by Nixon or Musafia. Nixon discloses modeling of performance (*Nixon*, ¶[0047]), a system of process control, alarm data collection, and diagnostic data collection (*Nixon*, ¶[0059]). However, Nixon does not allow for user input to account for downtime of equipment. Although the user may customize how and what data is to be collected, there is no disclosure of user interaction in collection of the data in assessing the reason for equipment downtime.

Thus, the Applicant respectfully submits that Musafia, and Nixon, either alone or in combination, do not teach or suggest "transmitting the equipment failure data to a maintenance post; determining a response time for maintenance personnel to respond to the equipment failure data as a function of the transmitted equipment failure data and a repair time entered by the maintenance personnel in response to the equipment failure data" as recited in claim 18.

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Accordingly, the Applicant respectfully requests the Examiner to withdraw the rejection of claim 18 and all claims depending therefrom (19-23 and 34-42).

Independent claim 43 recites the same limitation as claim 18, *i.e.*, “transmitting the equipment failure data to a maintenance post; determining a response time for maintenance personnel to respond to the equipment failure data as a function of the transmitted equipment failure data and a repair time entered by the maintenance personnel in response to the equipment failure data.” Accordingly for the same reasons described above with respect to claim 18, the Applicant respectfully requests the Examiner to withdraw the rejection of claim 43 and all claims depending therefrom (44-46).

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## CONCLUSION

In light of the foregoing, the Applicant respectfully submits that all of the pending claims are in condition for allowance. All issues raised by the Examiner have been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,



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